

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ROY A. BEAL,

Plaintiff,

vs.

COMMISSIONER,  
Social Security Administration,

Defendant.

Case No. 1:22-cv-00843-MC

ORDER GRANTING PLAINTIFF'S  
UNOPPOSED MOTION FOR  
ATTORNEY FEES PURSUANT TO 42  
U.S.C. § 406(b)

---

Plaintiff Roy A. Beal brought this action seeking review of the Commissioner's final decision denying his application for disability benefits under the Social Security Act. The Court reversed the Commissioner's decision, remanded the case for an award of benefits, and entered Judgment on October 31, 2023. Upon remand, the Commissioner found Plaintiff entitled to benefits beginning December 2018.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has not objected to the request. I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of

counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$33,575.00 in attorney's fees under 42 U.S.C. § 406(b).

Previously, the Court awarded Plaintiff a total of \$6,860.50 under the Equal Access to Justice Act ("EAJA"). The Court will offset that award against the 42 U.S.C. § 406(b) award and order that, in accordance with agency policy, the Commissioner make a direct payment of \$26,714.50, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorney, Katherine L. Eitenmiller, at WELLS, MANNING, EITENMILLER & TAYLOR, P.C. Payment is to be made from benefits the Social Security Administration has withheld from Plaintiff's past due benefits. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 17th day of September 2025.

s/Michael J. McShane  
MICHAEL J. MCSHANE  
United States District Judge

Proposed Order submitted by:  
Katherine L. Eitenmiller  
WELLS, MANNING, EITENMILLER & TAYLOR, P.C.  
474 Willamette Street  
Eugene, OR 97401  
(541) 686-1969  
keitenmiller@wmetattorneys.com  
Of Attorneys for Plaintiff